

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RALPH J. CARTER,	)	
	)	
Plaintiff	)	Case No. 1:18-cv-00096 (Erie)
	)	
vs.	)	
	)	
ADAM BAUMCRATZ, ET AL.	)	RICHARD A. LANZILLO
	)	UNITED STATES MAGISTRATE JUDGE
	)	
Defendants	)	
	)	ORDER ON DEFENDANT WILLIAM
	)	SUTHERLAND'S MOTION TO DISMISS,
	)	or in the alternative, FOR SUMMARY
	)	JUDGMENT
	)	
	)	ECF NO. 52

Plaintiff Ralph J. Carter initiated this civil rights action, pro se, with the filing of a Complaint on March 27, 2019. ECF No. 4. He was granted leave of court to file an Amended Complaint on December 4, 2018. ECF No. 34. Carter's Amended Complaint was filed on December 6, 2018. ECF No. 35. The Amended Complaint added William Sutherland, among others, as a Defendant. Sutherland filed a Motion to Dismiss, or in the alternative, for Summary Judgment, on March 22, 2019. ECF No. 52. Carter filed a Response to Sutherland's motion in which he "concedes with Counsel for Defendant Sutherland that Mr. Sutherland is not a law enforcement officer, therefore had no obligation to intervene whenever force was being administered against Plaintiff by correctional officers." ECF No. 62, p. 3 (citation omitted). Carter then asks that "[t]herefore, as to not waste this Court's time, it is requested that Defendant [sic] Sutherland be removed from this case." *Id.*

Inasmuch as Carter does not oppose the dismissal of Defendant Sutherland from this matter, Defendant Sutherland's Motion to Dismiss is hereby **GRANTED**, with prejudice.

So ordered.



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RICHARD A. LANZILLO

United States Magistrate Judge

Entered this 17<sup>th</sup> Day of July, 2019.